

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CLIFFORD F. TUTTLE, JR., et al,

§

Plaintiffs,

§

v.

Civil Action No. 4:21-cv-00270

CITY OF HOUSTON, et al,

§

Defendants.

§

CONSOLIDATED WITH

JOHN NICHOLAS, et al,

§

Plaintiffs,

§

v.

Civil Action No. 4:21-cv-00272

CITY OF HOUSTON; et al,

§

Defendants.

§

**DEFENDANTS ASHRAF, GONZALES, LOVINGS, MEDINA, PARDO, REYNA,
SALAZAR, SEPOLIO, AND WOOD'S, OBJECTIONS TO PLAINTIFFS' DEPOSITION
DESIGNATIONS**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Defendants Nadeem Ashraf, Cedell Lovings, Frank Medina, Oscar Pardo, Clemente Reyna, Manuel Salazar, Eric Sepolio, Thomas Wood, and Robert Gonzales (collectively “Defendant-Officers”) file these objections to plaintiffs’ deposition designations:

I. General Objection

Defendant Officers generally object to any of plaintiff’s deposition designations to the extent that the testimony refers, relates to, or directly quotes any internal affairs documents, investigations or findings, for the reasons stated in Doc. #394 (arguments for which are incorporated by reference

herein). Defendant Officers join in and incorporate by reference the objections asserted by the City of Houston in Doc. #383.

II. Maryanne Beynon

BEGIN PAGE LINE	END PAGE LINE	OBJECTION	OVERRULED	SUSTAINED
7:16	7:25	leading		
8:10	9:2	leading		
9:6	9:12	leading		
9:17	11:17	leading		
11:22	12:10	leading		
14:10	14:16			
16:3	16:6	leading		
16:20	17:16	leading		
19:12	20:19	Leading		
21:6	21:15	Leading		
22:6	22:11			
27:8	27:24	leading		
28:1	28:16	Leading		
29:13	30:23	Leading; vague; argumentative; speculation; exceeds expertise; compound		
31:6	32:8	Leading; vague; argumentative		
32:22	34:8	Leading; compound		
35:14	36:16			
37:6	37:10	Leading; vague		
37:16	43:6	Leading; compound; argumentative; exceeds witness expertise		
43:24	44:4	Leading		
44:9	44:12	Leading		
45:4	46:5	Leading vague argumentative compound		
46:14	49:7	Leading, argumentative, compound, exceeds witness expertise, best evidence rule,		

BEGIN PAGE LINE	END PAGE LINE	OBJECTION	OVERRULED	SUSTAINED
		the document speaks for itself		
49:15	50:25	Asked and answered, leading		
51:8	54:18	Leading, compound,		
55:22	57:4	Leading		
57:10	57:11			
57:15	58:13			
58:23	59:18	Leading; compound		
61:17	65:17	Leading, compound, exceeds witness expertise; argumentative		
65:21	66:3	Leading		
68:9	68:17	Compound, leading		
68:20	69:8	Compound, leading, exceeds witness expertise		
69:23	73:6	Leading; argumentative; exceeds witness expertise, compound,		
73:16	75:16	Asked and answered; leading		
75:19	75:19			
75:21	79:4	Vague; argumentative; compound; exceeds witness expertise; calls for speculation; asked and answered		
81:10	81:16	Leading; argumentative; calls for speculation; exceeds witness expertise; misleading; mischaracterizes witness testimony		
82:18	84:11	Leading; argumentative;		

BEGIN PAGE LINE	END PAGE LINE	OBJECTION	OVERRULED	SUSTAINED
		mischaracterizes witness testimony; exceeds witness expertise; speculative; compound; asked and answered		
85:24	86:4	Vague; compound; asked and answered; mischaracterizes testimony; argumentative		
87:2	87:13	Leading, compound, argumentative		
87:18	87:18			
87:21	87:24			
88:5	88:21	leading		
92:12	93:13	Vague; confusing; leading; argumentative		
93:21	94:2	Leading		
94:10	94:20	Leading; compound; argumentative; mischaracterizes testimony;		
95:5	95:18	Compound, leading,		
96:11	99:15	Argumentative; vague; leading; exceeds witness expertise; speculative;		
100:11	101:4	Leading; exceeds witness expertise,		
101:11	102:11	Leading, compound, speculative,		
104:2	104:23	Leading, asked and answered		
108:18	109:2	Relevance, leading,		
109:25	111:23	Mischaracterizes testimony, leading		

BEGIN PAGE LINE	END PAGE LINE	OBJECTION	OVERRULED	SUSTAINED
112:7	115:15	Compound, leading, speculation, exceeds witness expertise; argumentative, leading		
115:19	117:3	Leading; argumentative, speculative		
117:12	118:5	Compound, argumentative, leading, speculative		
118:11	118:17	Leading, speculative, compound		
119:3	121:5	Leading, compound, exceeds witness expertise, argumentative		
121:9	122:16	Leading, argumentative, compound,		
123:21	128:17	Compound, leading, argumentative, vague, speculative,		
128:22	141:8	Leading, compound, argumentative, speculative, exceeds witness expertise		
141:20	143:2	Leading, vague, argumentative,		
144:15	144:18			
145:8	148:18	Leading; exceeds witness expertise		
149:6	151:13	Leading, compound		
152:7	152:23			
153:9	154:9	leading		
154:19	155:22	Exceeds witness expertise, speculative, leading		
156:5	156:16	leading		

BEGIN PAGE LINE	END PAGE LINE	OBJECTION	OVERRULED	SUSTAINED
156:20	157:21	leading		
157:24	159:2	Compound, leading		
159:6	160:9	Leading, exceeds the witness expertise		
161:22	163:3	leading		
163:6	164:3	Leading, argumentative		
164:18	166:25	Leading, compound		
END				

III. Cedell Lovings 2/14/2024

TESTIMONY PROFFERED	OBJECTION	OVERRULED	SUSTAINED
Page 10: 1-7, 9.	Asked and answered; argumentative; calls for speculation.		
Page 12: 11-19.	Asked and answered; witness stated a lack of personal knowledge, argumentative; calls for speculation.		
Page 13: 1-4; 6-7.	Argumentative; calls for speculation; misleading; witness stated has no knowledge if witness was there.		
Page 15: 1-12.	Vague; assumes facts not in evidence.		
Page 17: 12-15; 16. 17; 19; 20-25.	Assumes facts not in evidence, lack of foundation. Asked and answered; argumentative.		
Page 18: 7-8; 10-13; 15-17.	Asked and answered; argumentative; misstates the evidence, calls for speculation		
Page 23: 15-18; 20-22; 24-25.	Argumentative, asked and answered, assumes facts not in evidence, calls for speculation.		

Page 24: 2-6; 8-9; 16-25.	Argumentative, asked and answered, assumes facts not in evidence, calls for speculation.		
Page 25: 1-3; 5; 6-23; 25.	Argumentative, asked and answered, assumes facts not in evidence, misleading, calls for speculation.		
Page 27: 1-23.	Asked and answered; argumentative; misstates the testimony.		
Page 29: 16-25.	Misleading; misstates the evidence; assumes facts not in evidence.		
Page 30: 17-25.	Misstates the evidence and the testimony; misleading.		
Page 31: 16-25.	Argumentative; misstates the testimony and evidence; misleading.		
Page 32: 5-23.	Asked and answered; argumentative; assumes facts not in evidence.		
Page 33: 1, 3, 4, 6. 7, 8, 10.	Asked and answered; argumentative. Assumes facts not in evidence; misstates the testimony.		
Page 34: 13-20;22-25.	Asked and answered; argumentative; misleading.		
Page 35: 1-25.	Asked and answered; argumentative; misleading and misstates the testimony; lack of foundation.		
Page 38: 1-2; 6-8; 10-12; 14-19; 21-24; 25.	Unauthenticated image; lack of foundation; calls for speculation.		
Page 39: 13-14.	Argumentative; assumes facts not in evidence; misstates the testimony.		
Page 40: 14-16.	Not relevant; Fifth Amendment; unfair prejudice outweighs probative value. Violation of Due Process.		

Page 41: 4-11; 22-25.	Not relevant; unfair prejudice outweighs probative value; Fifth Amendment; violation of Due Process.		
Page 43: 4-5; 9-15; 20; 23.	Relevance; vague; calls for speculation; lack of foundation; improper expert opinion; Fifth Amendment.		
Page 44: 18-15; 19; 21.	Relevance; vague; calls for speculation; lack of foundation; improper expert opinion; Fifth Amendment; unfair prejudice outweighs value.		
Page 59: 8-16.	Misstates the evidence and testimony; compound.		
Page 60: 1-12	Calls for speculation; misstates testimony; misleading.		
Page 61: 2-10 11-15; 16-25	Refers to unspecified and unauthenticated images; assumes facts not in evidence; lack of foundation; misleading. Argumentative; assumes facts not in evidence; compound; lack of foundation; misleading.		
Page 63: 19-24.	Misstates the testimony; asked and answered; argumentative.		
Page 64: 1-9 11-20 12-25.	Asked and answered; argumentative; lack of foundation and vague. Asked and answered; argumentative; lack of foundation and vague. Assumes facts not in evidence; misstates the testimony; argumentative; inflammatory; prejudice outweighs probative value.		
Page 65: 106.	Asked and answered; argumentative.		

Page 66: 6-13; 21-25.	Calls for speculation; compound; argumentative.		
Page 70: 19-23.	Lack of foundation; calls for speculation.		
Page 71: 5-16.	Asked and answered; calls for speculation; vague.		
Page 72: 1-5. 16-20.	Asked and answered; calls for speculation; witness lacks knowledge. Misstates the testimony.		
Page 73: 18-24.	Calls for speculation; argumentative.		
Page 76: 1-8; 13-14; 21-25.	Argumentative; asked and answered repeatedly; misleading; compound; misstates the testimony; relevance.		
Page 78: 7-18; 25.	Asked and answered; argumentative; calls for speculation.		
Page 81: 20-23.	Unauthenticated picture; lack of foundation; misleading; calls for speculation.		

IV. Cedell Lovings 4/15/24

TESTIMONY PROFFERED	OBJECTION	OVERRULED	SUSTAINED
Page 56, 14-25	Not relevant; unfair prejudice outweighs probative value; <i>Garrity</i> ; Fifth Amendment; violation of Due Process.		

V. Nadeem Ashraf

TESTIMONY PROFFERED	OBJECTION	OVERRULED	SUSTAINED
8:6-15	<i>Gerrity</i> , 5 th Amendment, unfair prejudice outweighs probative value		
11:10-11	No answer indicated; relevance; unfair prejudice outweighs probative value		
12:4-7	Relevance,		
12:16-24	<i>Gerrity</i> , 5 th Amendment, unfair prejudice outweighs probative value, relevance		
13:9-14:1	<i>Gerrity</i> , 5 th Amendment, unfair prejudice outweighs probative value, relevance		
24:1-6	Asked and answered		
25:13-27:18	Relevance, unfair prejudice outweighs probative value		
28:16-29:12	5 th amendment, unfair prejudice outweighs probative value		
29:13-24	Asked and answered; assumes facts not in evidence		
36:21-37:12	Assumes facts not in evidence, relevance, unfair prejudice outweighs probative value, mischaracterizes testimony, calls for hearsay		
49:11-15	Asked and answered		
50:3-7	Asked and answered		

61:2-11	Assumes facts not in evidence		
71:7-12	5 th Amendment, relevance, unfair prejudice outweighs the probative value		
70:24-71:1	Asked and answered		
76:3-11	5 th amendment, relevance, unfair prejudice outweighs probative value		
79:6-16	Hearsay		
79:20-80:5	Hearsay, unfair prejudice outweighs probative value, relevance		
81:1-13	5 th amendment, unfair prejudice outweighs probative value, relevance,		
81:14-82:2	Argumentative, misleading, mischaracterizes testimony		
82:17-83:4	Argumentative, misleading, temporally vague, mischaracterizes testimony		
85:18-22	Argumentative, misleading, assumes facts not in evidence, mischaracterizes testimony		
89:7-15	5 th amendment, unfair prejudice outweighs probative value, relevance, hearsay		
89:16-20	Argumentative		

91:22-94:5	Argumentative, hearsay, asked and answered, mischaracterizes testimony		
96:16-971	Hearsay, speculation, argumentative		
101:6-102:9	5 th Amendment, argumentative, relevance, unfair prejudice outweighs probative value,		
103:15-21	Argumentative, compound		
11:7-20	Argumentative, compound, assumes facts not in evidence, unfair prejudice outweighs probative value, relevance		

Respectfully submitted,
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Date: October 25, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October 2024 a true and correct copy of the foregoing document was delivered to all opposing counsel(s) by electronic filing of same in accordance with the District's ECF service rules, to:

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